IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CIVIL APPLICATION NO. 680 OF 2005
IN
FIRST APPEAL NO. 1363 OF 2002

Mrs. SUNANDA SUBHASH KALDATE & ANR... APPLICANTS

Versus

PRABHAKAR DINKAR NIRGUDE .. RESPONDENT

Mr. Rajesh P. Behere for applicants

Mr. Kiran Joshi for respondent

CORAM:-SMT. RANJANA DESAI, J.

DATED:-11-3-2005

P.C.

This civil application is filed by original defendants 1 and 2. The respondent is original defendant 5. Original defendant 5 is the appellant.

2. On 6th October, 2003, Justice D. G. Deshpande had directed the appellant to pay arrears of compensation in this court. By a subsequent order dated 4th of December, 2003, the order was modified. Justice Deshpande

directed that half the amount may be paid by the bank guarantee and half the amount may be paid by cheque.

3. I am informed that both the orders of Justice Deshpande are complied with. Thereafter the first appeal has been admitted by this court. In this civil application the applicants who are original defendants 1& 2 have prayed that the applicants may be allowed to withdraw the said amount. There is a further prayer that as per order dated 6/10/2003 passed by Justice Deshpande the appellant be directed to deposit arrears of compensation from October 2003 to May 2005 by way of Rs.750/- per month.

4. So far as first prayer is concerned there is no dispute that arrears till October 2003 have already been deposited. In view of the dispute involved, the permission to withdraw the amount cannot be granted to the applicants at this stage. However, it will be necessary for the appellant to deposit in this court compensation at the rate of Rs.750/- per month from October, 2003 till the end of April, 2005. The appellant shall deposit the said amount accordingly.

Civil application disposed of.

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